

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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STATE OF MICHIGAN and  
MACOMB COUNTY,

Plaintiffs,

v.

Case No. 10-12875

TEDDY LAWRENCE BONIECKI,

Defendant.

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**OPINION AND ORDER DENYING MOTION FOR RECONSIDERATION**

Defendant attempted to remove this case to federal court on July 21, 2010, when he filed a notice of removal. On July 28, 2010, the court remanded sua sponte the case to state court because of a lack of subject matter jurisdiction. On August 11, 2010, Defendant filed what he styles a "Motion to Appeal Your Decision," which the clerk has correctly docketed as a motion for reconsideration. As was the case with notice of removal, the motion is difficult to decipher. While he does ask for an "appeal" in the motion's title, throughout the motion he "pleads for this honorable Court to remove this action." The court therefore interprets the motion as one for reconsideration of the court's order of remand rather than a notice of appeal.

The court only grants motions for reconsideration if the movant can (1) "demonstrate a palpable defect by which the court and the parties . . . have been misled," and (2) show that "correcting the defect will result in a different disposition of the case." E.D. Mich. LR 7.1(h)(3). "A 'palpable defect' is 'a defect that is obvious, clear, unmistakable, manifest, or plain.'" *United States v. Lockett*, 328 F. Supp. 2d 682, 684 (E.D. Mich. 2004) (citing *United States v. Cican*, 156 F. Supp. 2d 661, 668 (E.D.

Mich. 2001)). A motion for reconsideration that presents “the same issues already ruled upon by the court, either expressly or by reasonable implication,” will not be granted. E.D. Mich. LR 7.1(h)(3); *Czajkowski v. Tindall & Assocs., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Defendant points to no such palpable defect. He cites no law, fact, or argument suggesting that the court has original jurisdiction over the state court action. Accordingly,

IT IS ORDERED that Defendant’s motion for reconsideration [Dkt. # 6] is DENIED.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: September 3, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 3, 2010, by electronic and/or ordinary mail.

s/Lisa G. Wagner  
Case Manager and Deputy Clerk  
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